

REMARKS

Claims 1-39 are pending in the application and are subject to requirement for restriction.

Applicants note that claim 35 has been amended herein in order to remove redundancy with claim 34. Accordingly, this amendment is not being made in view of the prior art, and no estoppel should be associated therewith.

Restriction Requirement

The Examiner has required restriction to one of the following inventions under 35 U.S.C. 121:

I) Claims 1-14, drawn to an organic electroluminescence element, classified in class 257, subclass 40.

II) Claims 15-39, drawn to an exposure head having a light emitting element structure, classified in class 347, subclass 238.

Election

In order to be responsive to the requirement for restriction, Applicants elect the invention set forth in Group I, claims 1-14, with traverse.

Traverse

Notwithstanding the election of the claims of Group I in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

Initially, Applicants point out that the requirement for restriction omits one of the two criteria of a proper requirement as now established by U.S. Patent and Trademark Office policy, as set forth in MPEP 803 that "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if a restriction were not required. Due to the aforementioned omission, it

is respectfully submitted that the requirement for restriction is improper and, consequently, its withdrawal is respectfully requested.

Related to this, the requirement is traversed since there would not appear to be a serious burden to examine Applicants' application in total, and for which they have paid the appropriate claim fees. Applicants submit that it would be no serious burden on the Examiner to examine all of the pending claims, because a search for all of the claims in the above-identified application should be made in order to do a complete and thorough search in view of the recognized relationship for examination purposes between the claims in Groups I and II. For example, the examination of the claims of Group I require the searching of the exposure unit recited in claim 14 which uses the organic electroluminescence element set forth in claim 1 as the light source.

Thus, even though the classification of the Groups is indicated to be different in the Restriction Requirement, a search of each of the inventions would appear to be at least related, and should certainly overlap if not actually be coextensive. Accordingly, there would be no serious burden on the Examiner to examine all of the claims in this application. For this reason, and consistent with Office policy set forth in MPEP 803, Applicants respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

In view of the foregoing, it is respectfully requested that the Examiner seriously reconsider the requirement for restriction, and withdraw the same so as to give an examination on the merits on all of the claims pending in this application.

CONCLUSION

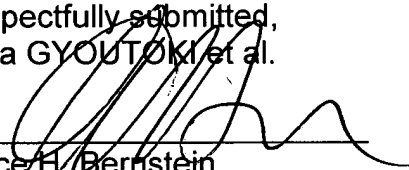
For the reasons discussed above, it is respectfully submitted that the requirement for restriction is improper and should be withdrawn.

Withdrawal of the requirement for the restriction with the examination of all claims pending in this application, claims 1-39, is respectfully requested.

Favorable consideration with early allowance of claims 1-39 is most earnestly requested.

If the Examiner has any questions, or wishes to discuss this matter, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
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